

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

US FOODS, INC.,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:13-cv-03640
)	
MICHAEL J. NOBLE, <i>et al.</i> ,)	(Judge Robert M. Dow, Jr., Presiding)
)	
Defendants.)	

**DEFENDANT ROSZAK'S AMENDED MOTION TO EXTEND
TIME TO ANSWER OR OTHERWISE PLEAD TO THE COMPLAINT**

Defendant, Phillip G. Roszak, by and through his attorney, PHILIP J. NATHANSON of THE NATHANSON LAW FIRM, moves to extend the time, to and including July 1, 2013, to Answer or otherwise plead to the Complaint. In support of Defendant Roszak's motion, said Defendant states:

1. For the reasons stated in the attached Affidavit of Defendant Roszak's counsel, Philip J. Nathanson, Defendant Roszak asks that his time to Answer or otherwise plead to the Complaint be extended to, and including, July 1, 2013.

2. Counsel for Defendant Roszak has communicated with Plaintiff's counsel regarding this motion, and Plaintiff's counsel does not object to this motion.

RESPECTFULLY SUBMITTED this 21th day of June, 2013.

PHILLIP G. ROSZAK

By: s/Philip J. Nathanson

Attorney for Defendant Roszak

Philip J. Nathanson Arizona State Bar #013624
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AFFIDAVIT OF PHILIP J. NATHANSON, PLAINTIFF'S COUNSEL

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

PHILIP J. NATHANSON, being first duly sworn on oath, certifies, deposes and declares, under penalty of perjury, as follows:

1. I am Defendant Roszak's counsel.
2. My 39 year-old daughter, Meredith Nathanson, who is an associate attorney in my law firm, has undergone multiple cancer surgery operations because she suffers from stage III, ovarian cancer. Meredith has been enrolled in a stage I clinical drug trial at the Virginia Piper Cancer Center at Scottsdale Healthcare Shea since March of 2013. In the last six weeks, complications have arisen which initially required an out-patient procedure at the beginning of May. But when that procedure was not successful, and complications persisted, Meredith was scheduled for and underwent today, on May 30, 2013, a major chest and lung operation at Scottsdale Healthcare Shea. Pre-operative testing and evaluation occurred in preparation for that surgery two weeks ago, at which time I was present due to my status as my daughter's health care power of attorney. I was also present for my daughter's surgery on May 30, 2013, and for her hospitalization course through Saturday, June 1, 2013, when she was discharged from the hospital.

3. I attended Meredith's evaluation session on Monday, June 17, 2013, at the Virginia Piper Cancer Center at Scottsdale Healthcare Shea regarding the stage I clinical drug trial Meredith has been enrolled in for the last several months. Due to the findings on various tests, and in consultation with the oncologists at the Piper Cancer Center in Scottsdale, AZ, Meredith applied to be enrolled in a different stage I clinical drug trial at the Piper Cancer Center at Scottsdale Healthcare Shea. This was an unforeseen event.

4. The next day, on Tuesday, June 18, 2013, I was required to present the oral argument for the appellant in the Illinois Appellate Court for the Fourth District, in Springfield, Illinois, in the appeal entitled *Huggins v. Harrison, et al.*, Fourth District Appellate Court case no. 4-12-0956.

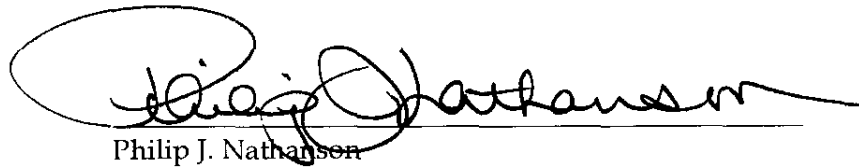
5. Prior to that, I was required to research, write and file the opening Brief on June 11, 2013, in the Illinois Appellate Court, Third District, in the appeal entitled *Grane, et al. v. Methodist Medical Center of Central Illinois*, No. 3-13-0003.

6. Prior to that, I was also required to research, write and file, on June 13, 2013, the Plaintiffs' opening Brief in the appeal entitled *Blue Water Partners, Inc., et al. v. Putnam*, in the Illinois Appellate Court, First District, case no. No. 1-13-0104.

7. I have been researching and writing Roszak's Response to the U.S. Foods Motion to Compel Arbitration that U.S. Food filed in the Arizona federal case that is part of this matter, *Roszak v. U.S. Foods*, D.AZ, case no. 2:13-cv-01009-SRB. For the foregoing reasons, I have asked Judge Bolton in that case to extend the time to file that Response to, and including, June 24, 2013.

8. Due to the foregoing I need and am requesting a fourteen-day extension of time, to and including July 1, 2013, to Answer or otherwise plead to the Complaint for my client Roszak.

FURTHER AFFIANT SAITH NOT.

A handwritten signature in black ink, appearing to read "Philip J. Nathanson", is written over a horizontal line. The signature is stylized with a large, loopy initial "P" and a long, sweeping tail.

Philip J. Nathanson

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2013, I electronically transmitted the foregoing document to the U.S. District Court Clerk's Office by using the CM/ECF System for filing and transmittal of a Notice of Electronic filing to the following CM/ECF registrants:

Linda K. Stevens
Schiff Hardin LLP
233 South Wacker Drive
Suite 6600
Chicago, IL 60606

By: /s/Philip J. Nathanson